REMARKS

Claims 14-16 have been properly renumbered. Claims 1-3, 5-7 and 13-16 are currently amended. Claim 4 is cancelled. New claims 17-20 are added and contain no new matter. Thus, claims 1-3 and 5-20 are pending in the application.

The specification has been amended to correct minor typographical errors.

Rejections under 35 U.S.C. §112, second paragraph

Claims 3, 5-7, 13 and 14-16 are rejected under 35 U.S.C. §112, second paragraph. Applicant submits that claims 3, 13 and 14 have been amended to overcome the rejection of claims 3, 5-7, 13 and 14-16.

Rejections Under 35 U.S.C. §102(e)

Applicant respectfully traverses the Examiner's rejection of claims 1-3, 8, 10 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6144988 to Kappel (hereinafter referred to as "Kappel").

Independent claim 1 as amended now recites:

"A data mining system comprising:

one or more subscriber servers for collecting information identifying a user and providing a first data set of user information;

one or more demographic databases having third party information and providing a second data set; and

a processor in operative communication with the one or more subscriber servers and the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one as more demographic databases,

said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user."

Kappel is directed towards a system for processing data for an internet web site. The web site is run by a web server that includes a server interface and a processing servlet. The processing servlet accepts user data from a user of the web site and maps it from a native format

to a universal format. The system further includes a remote server connected to the web server by the internet. The remote server processes the universal format user data to produce final universal format user data which is then sent to the processing servlet. Finally, the processing servlet maps the final universal format user data to final native format user data and sends it to the server interface. Kappel does not disclose or suggest first data set of user information and a second data set of third party information. Kappel in no way discloses or suggests processing first and second data sets as claimed in the instant application. Kappel clearly does not disclose or suggest determining a score based on first and second data sets.

The Examiner alleges that "one or more subscriber servers for collecting information identifying a user" correspond to a "Browser" in Figure 4 as disclosed at lines 23-26 of col. 6 of Kappel (see also related description at lines 50-52 of col. 5).

Applicant respectfully submits that the Examiner has misconstrued Figure 4 and the cited portions of Kappel which merely disclose:

> "a computer system 10 for processing data for a plurality of Internet web sites...The web sites are run by a plurality of web servers 20 that each include a server interface 22 and a processing servlet 30...Each of the processing servlets 30 is programmed to accept...user data, from a user of one of the Internet web sites as represented by respective arrow 1a, 1b or 1c."

However, even as construed by the Examiner, Applicant respectfully submits that the above-quoted portions of Kappel do not teach or suggest "one or more subscriber servers for collecting information identifying a user and <u>providing a first data set of user information</u>" as particularly disclosed and claimed by Applicant.

The Examiner further contends that "one or more demographic databases" corresponds to element 40 of Figure 4 as disclosed at lines 28-30 and 54-59 of col. 6, of Kappel.

Applicant respectfully submits that the Examiner has misconstrued Figure 4 which merely shows:

> " a remote server 40...connected to...web servers 20 by the Internet [and]...programmed to produce...data [which]...may include geo-demographic data...corresponding to the user data."

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However, even as construed by the Examiner, Applicant respectfully submits that the above-quoted portion of Kappel does not teach or suggest "one or more demographic databases having third party information and providing a second data set" as particularly claimed. Rather, the cited portion of Kappel clearly discloses further user related information. There is no teaching or suggestion of third party information such as Applicant particularly discloses and claims.

Finally, the Examiner alleges that "a hub server in operative communication with the one or more subscriber servers and the one or more demographic databases" corresponds to element 20 of Figure 4 as disclosed at lines 23-30 of col. 6, of Kappel.

Applicant submits that the Examiner has misconstrued the cited portions of Kappel which merely discloses that:

> "The web sites are run by a plurality of web servers 20 that each include a server interface 22 and a processing servlet 30...[and that] a remote server 40 that is adapted to be connected to the plurality of web servers 20 by the Internet."

Applicant respectfully submits that the above-quoted portion of Kappel does not teach or suggest, "a processor in operative communication with the one or more subscriber servers and the one or more demographic databases and receiving said first data set from the one or more subscriber servers and said second data set from the one as more demographic databases, said processor including a rule processor receiving said first data set and said second data set and applying said first and second data sets to one or more rules to determine a score predicting behavior relating to said collected information identifying said user," as particularly claimed by Applicant. Again, there is no mention whatsoever of a second data set of third party information. There is no mention or suggestion in Kappel of determining a score via a rule processor applying rules to a first and second data set.

Since each and every element of independent claim 1 is not present as in the claims, Applicant respectfully submits that claim 1 is not anticipated by Kappel under 35 U.S.C. 102(e). Accordingly, the rejections of independent claim 1, and claims 2-3, 8, 10 and 13 ultimately depending therefrom are improper and should be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Applicant respectfully traverses the Examiner's rejection of claims 9 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Kappel.

Applicant respectfully submits that claims 9 and 11-12 depend ultimately from claim 1 and are therefore not anticipated by Kappel for at least the reasons set forth hereinbefore with respect to claim 1. All of the recited claim elements are not present in the cited reference as discussed herein before. Consequently, Applicant respectfully submits that claims 9 and 11-12 are patentable over Kappel under 35 U.S.C. 103(a). Accordingly, the rejection of claims 9 and 11-12 is improper and should be withdrawn.

Applicant respectfully traverses the Examiner's rejection of claims 4-7 and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Kappel in view of U.S. Patent No. 5848396 to Gerace (hereinafter referred to as "Gerace"). Claim 4 is cancelled.

Applicant respectfully submits that claims 5-7 depend ultimately from claim 1 and are therefore distinguishable from Kappel for at least the reasons set forth hereinbefore with respect to claim 1. Furthermore, the Examiner does not cite Gerace to make up for the above-described deficiencies of Kappel, but instead cites Gerace only in regard to features in dependent claims 5-7. Accordingly, Applicant submits that claims 5-7 are distinguishable from the applied combination of Kappel and Gerace for reasons set forth hereinbefore with respect to claim 1, and that the rejection of claims 5-7 is therefore improper and should be withdrawn.

Independent claim 14 as amended now recites:

"A method of mining data, said method comprising the steps of:

receiving from one or more subscriber servers user-identifying indicia and providing a first data set of user information;

generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information;

communicating the key to the one or more demographic databases;

receiving from the one or more demographic databases demographic information relating to the user-identifying indicia and providing a second data set;

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applying said first and second data sets to one or more rules to determine a score predicting behavior relating to the user-identifying indicia; and

communicating the score to the subscriber server."

The Examiner alleges that "receiving from a subscriber server user-identifying indicia" corresponds to element 1a,1b,1c in Figure 4 as disclosed at lines 23-26 of col. 6 of Kappel. (See also similar description at lines 1-2 of col. 3).

Applicant respectfully submits that the Examiner has misconstrued Figure 4 and the cited portions of Kappel which merely disclose:

"a computer system 10 for processing data for a plurality of Internet web sites...The web sites are run by a plurality of web servers 20 that each include a server interface 22 and a processing servlet 30. Each of the processing servlets is programmed to accept...user data, from a user of one of the Internet web sites as represented by respective arrow 1a, 1b or 1c."

However, even as construed by the Examiner, Applicant respectfully submits that the above-quoted portions of Kappel do not teach or suggest "receiving from one or more subscriber servers user-identifying indicia and providing a first data set of user information" as particularly claimed.

The Examiner further contends that "generating from the user-identifying indicia a key which corresponds to values indexed by demographic databases" is disclosed at lines 26-28 and 30-35 of col. 6, of Kappel. (See also similar description at lines 2-7 of col. 3).

Applicant respectfully submits that the Examiner has misconstrued such portions of Kappel which merely indicate that:

"Each of the processing servlets 30 is further programmed to map the user data from a native format to a universal format. The computer system 10 includes a remote server 40...connected to the plurality of web servers 20 by the Internet. The remote server 40 is programmed to receive the universal format user data from one of the processing servlets 30 (arrow 2a, 2b or 2c). The remote server 40 processes the universal format user data to produce final universal format user data that includes standardized address data."

However, Kappel does not disclose or suggest demographic data base(s) such as Applicant particularly discloses and claims in amended claim 14. Further, Gerace does not make

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up for this deficiency of Kappel. Applicant respectfully submits that the above-quoted portion of

Kappel does not teach or suggest, nor does any portion of Gerace disclose or suggests

"generating from the user-identifying indicia a key which corresponds to values indexed by one

or more demographic databases having third party information," as Applicant particularly

claims.

The Examiner also alleges that "communicating the key to a demographic database"

corresponds to element 2a,2b,2c of Figure 4 as disclosed at lines 30-35 of col. 6. (See also

related disclosure at lines 6-7 of col. 3).

Applicant submits that the Examiner has again mischaracterized such portions of the

reference which merely discloses that:

> "The remote server 40 is programmed to receive the universal format user data from one
> of the processing servlets 30 (arrow 2a, 2b or 2c). The remote server 40 processes the
> universal format user data to produce final universal format user data that includes
> standardized address data."

Applicant respectfully submits that the above-quoted portion of Kappel does not teach or

suggest "communicating the key to one or more demographic databases," as particularly

claimed. There is no disclosure or suggestion in Kappel or Gerace of demographic databases of

third party information.

The examiner alleges that "receiving from the demographic database demographic

information relating to the user-identifying indicia" corresponds to elements 3a,3b,3c of Figure 4

as described at lines 35-38 and 54-59 of col. 6 (see also related description at lines 7-10 of col.

3). Such portions of the reference which merely disclose that:

> "The remote server 40 then sends the final universal format user data over the Internet to
> the processing servlet 30 that originally sent the universal format user data (arrow 3a, 3b
> or 3c)...[T]he remote server 40 is programmed to produce final universal format user
> data that...may include geo-demographic data...corresponding to the user data..."

The above-quoted portion of Kappel does not teach or suggest "receiving from the

demographic databases third party demographic information relating to the user-identifying

indicia and providing a second data set," as particularly claimed. There is no mention in Kappel,

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nor in Gerace, of "third party information," such as particularly claimed in amended claim 14.

The examiner alleges that "communicating the score to the subscriber server" corresponds to elements 4a,4b,4c of Figure 4 as described at lines 41-45 of col. 6 (see also related description at lines 13-19 of col. 3). Such portions of the reference merely indicate that:

> "The final universal format user data is unmapped by using the form number assigned to the particular web server 20. The processing servlet 30 then posts the final user data to the server interface 22 (arrow 4a, 4b or 4c)."

Applicant respectfully submits that the above-quoted portion of Kappel does not, nor do any portions of Gerace, teach or suggest "communicating the predictive score to the one or more subscriber servers," as particularly claimed.

In fact, the Examiner acknowledges that "Kappel did not teach generating a score" but contends that "Gerace taught generating report (sic) from the demographic information relating to the user-identifying indicia (col. 2, lines 43-53; col. 13, lines 9-20)."

Gerace is directed toward software for targeting end users based on a so-called psychographic profiles formed by recording the users' computer activity. Categories of interest and display format in each category are revealed by the profile, based on user viewing of so-called "agate information." Using the profile, advertisements are displayed to appropriately selected users. Gerace, like Kappel, does not disclose or suggest a second data set of third party data. Gerace, like Kappel, does not disclose or suggest applying rules to a first and second data set to determine a score.

The cited portions of Gerace merely indicate that:

> "a subroutine...performs a regression analysis on the recorded history of users viewing the ads. The subroutine refines profiles of target users based on the regression analysis. Preferably, the regression analysis weights the relative importance of psychographic and/or demographic characteristics of users. As such, over time, the advertisements become better targeted to users..." (see col. 2, lines 43-53; see also similar description at col. 13, lines 9-20).

Applicant respectfully submits that the above-quoted portion of Gerace does not teach or suggest a second data set of third party information nor "applying said first and second data sets

to one or more rules to determine a score predicting behavior relating to the user-identifying indicia," as particularly claimed.

From the foregoing, it is clear that neither Kappel or Gerace alone or in combination disclose or suggest each and every element of claim 14. Consequently, the Examiner has not made a prima facie case of obviousness. Consequently, the rejection of claim 14 and claims 15-16 dependent therefrom under 35 U.S.C. 103(a) is improper and should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

An extension of time for three months extending the period for response to May 5, 2004 is attached. Please charge any fee(s) associated with this extension and/or any deficiency to Deposit Account No: 50-0369. Also, please credit any overpayments to Deposit Account No: 50-0369

Respectfully submitted,
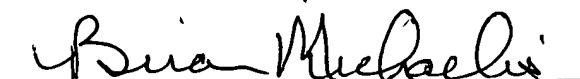
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